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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,604	11/14/2001	Avi J. Ashkenazi	P2730P1C25	1800
35489	7590	08/05/2004	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP 275 MIDDLEFIELD ROAD MENLO PARK, CO 94025-3506			LANDSMAN, ROBERT S	
			ART UNIT	PAPER NUMBER
			1647	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/993,604	11/14/01	Ashkenazi et. al.	39780-2730 P1C25
			EXAMINER
			R. Landsman
		ART UNIT	PAPER
		1647	080304

DATE MAILED:

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Commissioner for Patents

SUPPLEMENTAL FINAL OFFICE ACTION

Upon further review of the Final Office Action mailed 7/26/04, the Examiner inadvertently stated that Applicants' arguments in the Response dated 6/4/04 regarding effective filing date of the present invention were not deemed persuasive since the present invention remains rejected under 35 USC 101. This was not properly explained. Applicants' arguments are not deemed persuasive since, due to the fact that the claims do not possess utility under 35 USC 101, they are not enabled under 35 USC 112, first paragraph. Therefore, since the claims lack enablement, Applicants only receive priority to the present application, filed 11/14/01.

Except for the clarification of this issue, the entire Office Action mailed 7/26/04 stands.

THIS ACTION REMAINS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). However, the time period for a response WILL NOT BE RESET. Therefore, the statutory period for reply is set to expire THREE MONTHS from the mailing date of the Office Action dated 7/26/04. In the event a first reply is filed within TWO MONTHS of the mailing date of the Final Action dated 7/26/04 and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the Final Action dated 7/26/04.

Advisory information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Landsman whose telephone number is (571) 272-0888. The examiner can normally be reached on Monday - Friday from 8:00 AM to 5:00 PM (Eastern time) and alternate Fridays from 8:00 AM to 5:00 PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Brenda Brumback, can be reached on (571) 272-0961.

Official papers filed by fax should be directed to (703) 872-9306. Fax draft or informal communications with the examiner should be directed to (571) 273-0888.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0700.

Robert Landsman, Ph.D.
Patent Examiner
Group 1600
July 30, 2004


ROBERT LANDSMAN
PATENT EXAMINER

